

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1206 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

N N PARMAR

Versus

S S SARDESEE

Appearance:

MR YH VYAS for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/03/98

ORAL JUDGEMENT

1. Heard the learned counsel for the petitioner and perused the special civil application and reply affidavit filed by the respondents.

2. Challenge has been made by the petitioner to the order annexure 'A' dated 10th May, 1986 of the respondents under which he was ordered to be reverted from the post of Camera Operator to the post of Process

Assistant. Further prayer has been made for stay of the operation and implementation of the order, annexure 'B'. Annexure 'B' is the order under which the pay of the petitioner has been fixed on the lower post. So it is a consequential order of annexure 'A'.

3. The respondent, State of Gujarat and its functionaries, have filed reply to this special civil application but nobody is present on behalf of the respondents. This petition has come up for admission before this Court on 31st March, 1987 on which date, notice returnable on 14th April, 1987 has been issued. Though the State of Gujarat is having a budget of Rs. 1 Crore and 16 lacs for defending the litigations but despite of incurring that much of amount, nobody is present on its behalf. Be that as it may. The petitioner was not found suitable for promotion to the post of Camera Operator by the Departmental Promotion Committee whereas the respondent No.3 was found suitable for promotion to the said post. In view of this fact, the only consequential order would have been of reversion of the petitioner and promotion of the respondent No.3 to which no exception could have been taken. I do not find any illegality in the order dated 10th May, 1986.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

zgs/-